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Attorneys for Plaintiff
 DAVID KAYNE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION -- E-FILEING

DAVID KAYNE, an individual citizen of Georgia,)	Case No. C 07- 4721 JF (RS)
)	
Plaintiff,)	
)	CERTIFICATE OF SERVICE OF
vs.)	MOTIONS
)	(Local Rule 5-6(a)(2))
)	
THE THOMAS KINKADE COMPANY,)	
formerly known as MEDIA ARTS)	
GROUP, INC., a Delaware Corporation,)	
Defendant.)	

I, ANDREW T. CAULFIELD, declare as follows:

1. I am an associate of the firm of Holland & Knight LLP and am admitted to practice before this Court. I am counsel for plaintiff David Kayne in this matter. I have personal knowledge of the facts set forth in this declaration or know the same to be true and if called as a witness I would testify competently and truthfully regarding those facts.

2. On October 2, 2007, at approximately 12:53 a.m., I received an email sent by Charles L. Coleman, III, of Holland & Knight, to Charles E. Weir, counsel for Defendant The Kinkade Company, at the email address of cweir@mwe.com. The email included courtesy copies of documents which were electronically filed by Holland & Knight with the Court beginning at approximately 12:11 a.m. and

1 completed at approximately 12:32 a.m. on October 2, 2007. The e-filed documents
2 attached to the email included the following: (i) Proposed Order Granting Plaintiff
3 David Kayne's Motion for a Preliminary Injunction; (ii) Proposed Order Shortening
4 Time for a Hearing on Plaintiff's Motion for Temporary Restraining Order and
5 Preliminary Injunction; (iii) Proposed Temporary Restraining Order; (iv)
6 Declaration of David Kayne in Support of Plaintiff's Motion for a Temporary
7 Restraining Order and Preliminary Injunction; (v) Notice of Motion and Motion for
8 Temporary Restraining Order and Preliminary Injunction; Brief in Support of
9 Motion; (vi) Certificate of Service; (vii) Declaration of Charles L. Coleman, III in
10 Support of Plaintiff's Motion for an Order Shortening Time; (viii) Declaration of
11 Charles L. Coleman, III in Support of Plaintiff's Motion for Temporary Restraining
12 Order and Preliminary Injunction; (ix) Plaintiff's Notice of Motion and Motion For
13 an Order Shortening Time For a Hearing on Plaintiff's Motion for Preliminary
14 Injunction (Local Rule 6-3); Memorandum in Support. A true and correct copy of
15 the email is attached hereto as Exhibit "1".

16 3. On October 2, 2007, the e-filed documents referenced in Paragraph 2,
17 above, were hand served on Charles E. Weir at McDermott Will & Emery, Century
18 Park East, 38th Floor, Los Angeles, CA 90067-3218. Attached as Exhibit "2" is a
19 true and correct copy of the Proof of Service Via Hand Delivery of Charles E. Weir
20 at McDermott Will & Emery, which was also e-filed on October 2, 2007.


21 4. Based on the foregoing, I hereby certify that defendant The Thomas
22 Kinkade Company has been served with the motions and supporting documents
23 described above on and as of October 2, 2007 by virtue of the actual receipt of these
24 materials by its counsel at the Los Angeles office of McDermott, Will & Emery on
25 October 2, 2007 as described above and in Exhibit "2" to this declaration.

26 //

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1 I declare under penalty of perjury, under the laws of the United States and of
2 the State of California, that the foregoing is true and correct and that I have
3 executed this declaration this 2nd day of October, 2007 at San Francisco, California.
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7 Andrew T. Caulfield
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EXHIBIT 1

Caulfield, Andrew T (SFR - X56914)

From: Coleman, Charles L (SFR - X56970)
Sent: Tuesday, October 02, 2007 12:53 AM
To: 'Charles E Weir'
Cc: 'glb@gencog.com'; DLevitt@mwe.com; Caulfield, Andrew T (SFR - X56914); Huppert, Beverley A (SFR - X56903); Pipersburgh, Helen P (LAX- X52490)
Subject: David Kayne v. The Thomas Kinkade Company (N.D. Cal. No. C 07-4721 JF (RS))

Attachments: C07-4721 JF - Proposed Order Granting Pltf Kayne's Mtn for Prelim Injunction.pdf; C07-4721 JF - Proposed Order Shortening Time for Hearing.pdf; C07-4721 JF - Proposed Temporary Restraining Order.pdf; C-7-4721 JF - Declaration of David Kayne.pdf; C-7-4721 JF Motion and Brief in Support of Injunctive Relief.pdf; C07-4721 JF - Certificate of Service.pdf; C07-4721 JF - Decl of Charles L. Coleman ISO Pltf's Mtn for Order Shortening Time.pdf; C07-4721 JF - Decl of Charles L. Coleman ISO Pltf's Mtn for TRO and Preliminary Injunction.pdf; C07-4721 JF - Motion and Memo. for Order Shortening Time.pdf



C07-4721 JF -
Proposed Order ...



C07-4721 JF -
Proposed Order ...



C07-4721 JF -
Proposed Tempora..



C-7-4721 JF -
Declaration of D...



C-7-4721 JF
Motion and Brief...



C07-4721 JF -
Certificate of ...



C07-4721 JF - Decl
of Charles...



C07-4721 JF - Decl
of Charles ...



C07-4721 JF -
Motion and Memo...

Charles - I regret that we were not able to agree last week upon a coordinated briefing schedule for David Kayne's motion for injunctive relief and your anticipated motion (to be filed October 4) responding to the complaint. In the absence of a stipulated briefing schedule, we have electronically filed the attached documents with the court seeking: (1) An order shortening time for hearing on David Kayne's motion for a temporary restraining order and preliminary injunction; and (2) A motion for temporary restraining order and preliminary injunction. Both motions are noticed for hearing this Friday, October 5, at 9:00 a.m. in Judge Fogel's courtroom in San Jose, although the court may respond to the motions (such as the motion to shorten time) before the noticed hearing date. We will certainly let you know as soon as we can of any communications we receive from the court regarding the motions or noticed hearing dates.

We noticed that you are not yet listed as being signed up for e-filing, so to ensure that you get the papers, I am attaching pdf copies. By copy of this email to my associate Andy Caulfield, I am asking him to coordinate with our Los Angeles office to arrange for hard copies to be printed out and delivered to your offices in Century City later today. In the meantime, please let Andy know by return email if you encounter any difficulty opening the attached electronic versions as I will be out of the office at hearings much of the day.

Sincerely yours,

Holland + Knight

Charles L. Coleman, III
 Partner
 Holland & Knight LLP
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 San Francisco, California 94111
 Main 415 743-6900
 Direct 415 743-6970
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NOTICE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended

solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

EXHIBIT 2

CHARLES L. COLEMAN, III (CA. Bar No. 65496)
ANDREW T. CAULFIELD (CA. Bar No. 238300)
HOLLAND & KNIGHT LLP
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charles.coleman@hklaw.com
andrew.caulfield@hklaw.com

Attorneys for Plaintiff
DAVID KAYNE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION – E-FILING

DAVID KAYNE, an individual citizen
of Georgia,

Plaintiff,

vs.

THE THOMAS KINKADE COMPANY,
formerly known as MEDIA ARTS
GROUP, INC., a Delaware Corporation,

Defendant.

Case No. C 07-4721 JF (RS)

**PROOF OF SERVICE VIA
HAND DELIVERY TO CHARLES E.
WEIR AT McDERMOTT WILL &
EMERY**

PROOF OF SERVICE

Case No. C 07-4721 JF (RS)

PROOF OF SERVICE

State of California)
)
County of Los Angeles) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1055 W. 7th Street, Suite 250, Los Angeles, CA 90017.

On October 2, 2007, I served the document described as:

1. **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR AN ORDER SHORTENING TIME FOR A HEARING ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM IN SUPPORT;**
2. **DECLARATION OF CHARLES L. COLEMAN IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER SHORTENING TIME;**
3. **[PROPOSED] ORDER SHORTENING TIME FOR A HEARING ON PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION;**
4. **NOTICE OF MOTION AND MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION; BRIEF IN SUPPORT OF MOTION;**
5. **DECLARATION OF CHARLES L. COLEMAN IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION;**
6. **DECLARATION OF DAVID KAYNE IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION;**
7. **[PROPOSED] TEMPORARY RESTRAINING ORDER;**
8. **[PROPOSED] ORDER GRANTING PLAINTIFF DAVID KAYNE'S MOTION FOR PRELIMINARY INJUNCTION; and**
9. **CERTIFICATE OF SERVICE**

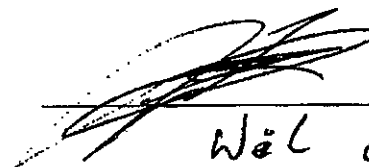
on the interested parties in this action, enclosed in a sealed envelope, addressed as follows:

SEE ATTACHED SERVICE LIST.

[X] (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee stated on the attached service list.

X I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 2, 2007, Los Angeles, California.


Wal Gutierrez

SERVICE LIST

Charles E. Wier
McDermott Will & Emery
2049 Century Park East, 38th Floor
Los Angeles, CA 90067-3218
Tel: (310) 277-4110

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Huppert, Beverley A (SFR - X56903)

From: ECF-CAND@cand.uscourts.gov
Sent: Tuesday, October 02, 2007 2:53 PM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 5:07-cv-04721-JF Kayne v. The Thomas Kinkade Company Certificate of Service

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

If there are **two** hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

If there is no second hyperlink, there is no electronic document available .

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at <https://ecf.cand.uscourts.gov> for more information.

The following transaction was received from by Coleman, Charles entered on 10/2/2007 2:52 PM and filed on 10/2/2007

Case Name: Kayne v. The Thomas Kinkade Company
Case Number: 5:07-cv-4721
Filer: David Kayne
Document Number: 13

Docket Text:

CERTIFICATE OF SERVICE by David Kayne re [4] Certificate of Service, [8] MOTION for Temporary Restraining Order and Preliminary Injunction; Brief in Support of Motion, [7] Proposed Order, [10] Declaration in Support, [9] Declaration in Support, [12] Proposed Order, [6] Declaration in Support, [11] Proposed Order, [5] MOTION to Shorten Time for Hearing on Plaintiff's Motion for TRO and Preliminary Injunction Proof of Service (of docs 4 thru 12) via Hand Delivery to Charles E. Weir at McDermott Will & Emery (Coleman, Charles) (Filed on 10/2/2007)

5:07-cv-4721 Notice has been electronically mailed to:

Andrew Terry Caulfield andrew.caulfield@hklaw.com

Charles Lagrange Coleman , III ccoleman@hklaw.com, beverley.huppert@hklaw.com, robert.jimenez@hklaw.com

5:07-cv-4721 Notice has been delivered by other means to:

10/2/2007

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\Documents and Settings\bahupper\Desktop\desktop\E-Filings\Kayne v Kinkade Arbitration\C07-4721 JF - David Kayne v Thomas Kinkade Co. - POS Via Hand Delivery to Charles Weir at McDermott Will & Emery.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/2/2007] [FileNumber=3795923-0]
[af63ba9331756671b08e8128b29345983d658cdefa16f607395a801bd25b9975e43e2
825b810ea5311f21e657585bda9360982bc6a897c8058dd616711b238eb]]